

HOUSE BILL 679

By VanHuss

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, Part 6 and Title 40, Chapter 6, relative to the collection of electronic data.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Tennessee Fourth Amendment Protection Act."

SECTION 2. Tennessee Code Annotated, Title 40, Chapter 6, is amended by adding the following as a new, appropriately designated section:

This state and its political subdivisions shall not assist, participate with, or provide material support or resources to enable or facilitate a federal agency in the collection or use of a person's electronic data or metadata, without:

- (1) The person's informed consent;
- (2) A search warrant issued by a duly authorized court upon probable cause that particularly describes the person, place, or thing to be searched or seized; or
- (3) Acting in accordance with a legally recognized exception to the warrant requirements.

SECTION 3. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.